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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,539	03/13/2001	Diane L. Deering	D15-003-02-US	2687

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EXAMINER

CONLEY, FREDRICK C

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,539

Applicant(s)

DEERING ET AL.

Examiner

Fredrick C Conley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-7,9,11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-7,9,11 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

Claims 5, 11, and 13 recite the limitations "a middle **third** portion and the half portion". There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 103

Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,919,721 to Earhart in view of U.S. Pat. No. 5,245,717 to Rudy.

In reference to claim 5, Earhart discloses a blanket comprising:

a substantially rectangular blanket 10 having a planar first surface and a planar second surface, said blanket having two opposing first and second side edges and two opposing top and bottom edges which are shorter than said two opposing side edges, said blanket having a middle third portion;

a foot pocket 19 comprising a panel having two opposing first and second edges and two opposing top and bottom edges, said pocket panel being connected to said blanket at said first edge, second edge and bottom edge of said pocket panel, said bottom edge of said pocket panel coinciding with both the middle third portion of said blanket and the bottom edge of said blanket for warming feet. Earhart discloses all of the Applicant's claimed limitations except for a pair of sleeves. Rudy discloses a blanket having a pair of sleeves 120 inherently having oblong apertures 111 defined at a shoulder end. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ sleeves in order to prevent any cooling discomfort of the arms and shoulders.

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Regarding claim 9, wherein the sleeve apertures are spaced along the horizontal center line (fig. 1-2).

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,919,721 to Earhart in view of U.S. Pat. No. 5,245,717 to Rudy, and further in view of U.S. Pat. No. 777,825 to Wilkes.

Regarding claims 6-7, Earhart discloses all of the Applicant's claimed limitations except for the sleeve aperture having a vertical orientation and an oblique orientation relative to a horizontal center line. Wilkes discloses a blanket wherein a sleeve aperture (a) has a vertical orientation and an oblique orientation relative to a horizontal center line (fig. 1). It would have been obvious to employ an oblique orientation in order for the user's arms to occupy a more natural and comfortable position when thrust through the opening.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,919,721 to Earhart in view of U.S. Pat. No. 5,245,717 to Rudy, in view of U.S. Pat. No. 777,825 to Wilkes, and further in view of U.S. Pat. No. 6,219,847 to Aikins.

In reference to claim 11, Earhart discloses a blanket comprising:

- a substantially rectangular blanket 10 having a planar first surface and a planar second surface, said blanket having two opposing first and second side edges and two opposing top and bottom edges which are shorter than said two opposing side edges, said blanket having a middle third portion;

said blanket has a first rounded corner at the intersection of said bottom edge and said first side edge of said blanket, and said blanket has a second rounded corner at the intersection of said bottom edge and said second side edge of said blanket, a foot pocket 19 comprising a panel having two opposing first and second edges and two opposing top and bottom edges, said pocket panel being connected to said blanket at said first edge, second edge and bottom edge of said pocket panel, said bottom edge of said pocket panel coinciding with both the middle third portion of said blanket and the bottom edge of said blanket for warming feet. Earhart discloses all of the Applicant's claimed limitations except for a pair of sleeves and sleeve apertures. Rudy discloses a blanket having a pair of sleeves 120 inherently having oblong apertures 111 defined at a shoulder end. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ sleeves in order to prevent any cooling discomfort of the arms and shoulders. Earhart fails to disclose the apertures having a vertical orientation and an oblique orientation relative to a horizontal center line. Wilkes discloses a blanket wherein a sleeve aperture (a) has a vertical orientation and an oblique orientation relative to a horizontal center line (fig. 1) and spaced along the horizontal centerline at a predetermined length so that the blanket lies flat across the chest of the user. It would have been obvious to employ an oblique orientation in order for the user's arms to occupy a more natural and comfortable position when thrust through the opening. Earhart also fails to disclose an expandable cuff and a neck portion. Aikins discloses a blanket having an expandable cuff 17 and neck portion (14-15). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ an expandable cuff and neck portion in order to cover most of the body without falling off.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,919,721 to Earhart in view of U.S. Pat. No. 5,245,717 to Rudy, and further in view of U.S. Pat. No. 777,825 to Wilkes.

In reference to claim 13, Earhart discloses a blanket comprising:
a substantially rectangular blanket 10 having a planar first surface and a planar second surface, said blanket having two opposing first and second side edges and two opposing top and bottom edges which are shorter than said two opposing side edges, said blanket having a middle third portion. Earhart discloses all of the Applicant's claimed limitations except for a pair of sleeves and sleeve apertures. Rudy discloses a blanket having a pair of sleeves 120 inherently having oblong apertures 111 defined at a shoulder end. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ sleeves in order to prevent any cooling discomfort of the arms and shoulders. Earhart also fails to disclose the apertures being disposed close enough to each other to provide for anterior insertion of the user's arms. Wilkes discloses a blanket wherein a sleeve apertures (a) being disposed close enough to each other to provide for anterior insertion of the user's arms. It would have been obvious to employ an oblique orientation in order for the user's arms to occupy a more natural and comfortable position when thrust through the opening.

Response to Arguments

Applicant's arguments with respect to claims 5-7, 9, 11, and 13 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick Conley whose telephone number is (703) 308-7468.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

F.C.



5/20/03